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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5619 of 2007

PETITIONERS

1. Smt. Sangita Chaubey, Aged 40 years, W/o Shri Devendra Kant Chaubey, Assitant Teacher, Govt. Middle School, Ranvirpur, District Kabirdham (C.G.)
2. Smt. Shradha Sahu, (Before Marriage Ku. Shradha Hempushpa) Aged 37 Years, W/o Shri Tamradhwaj Sahu, Assistant Teacher, Govt. Middle School, Janter Distt. Rajnandgaon (C.G.)
3. Smt. Baby Lata Simankeraged 32 years Wife of Shri Dharm Shekhar, Assistant Teacher, Govt. Primary School Bhothipar Khurd (Naya) District Rajnandgaon (C.G.)
4. Smt. Nandita Shrivastava, Aged 42 years, W/o Shri Vivek Shrivastava, Assistant Teacher, Govt. Prayogik Prathamik Shala, Dongargaon Distt. Rajnandgaon (C.G.)
5. Smt. Purnima Shukla, Aged 36 years, W/o Shri Sailendra Kumar Shukla, Head-Mistress, Govt. Middle School, Chhikle, Distt. Rajnandgaon (C.G.)
6. Smt. Kanti Thakur, Aged 42 Years, W/o Shri S.K. Thakur, Assistant Teacher, Govt. Middle School, Chhikle Distt. Rajnandgaon (C.G.)

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through: Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Rajnandgaon (C.G.)
3. The District Education Officer, Kabirdham (C.G.)

(Writ Petition under Article 226of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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